

OMIT NOTICE IF SEEKING SHORTENED NOTICE TIME AND/OR EXPEDITED HEARING  
CONTACT THE CLERK'S OFFICE WITH ANY QUESTIONS

UNITED STATES BANKRUPTCY COURT  
Southern District of Indiana

In re: )  
 )  
[Name of Debtor(s)], ) Case No. (xx-xxxxx)  
Debtor (s). )

**MOTION TO SELL AND TO APPROVE BID PROCEDURES**  
**(WITH PROSPECTIVE PURCHASER IDENTIFIED)**  
**AND NOTICE OF OBJECTION DEADLINE TO PROPOSED BID PROCEDURES**

The [trustee/debtor(s)] hereby move(s) the Court, pursuant to 11 U.S.C. 363 and Local Rule B-6004-4, to approve the sale of property following the procedures as described below, and state(s):

1. The property to be sold is [describe].
2. *(if the debtor claims an exemption in the property to be sold)* The amount of the claimed exemptions is [amount].
3. The prospective purchaser is [name].
4. If the sale is approved as proposed and no better bid is received, the sales price and net proceeds to be received by the estate are [list].
5. Contingencies to the sale are [describe or state "none"].

A copy of the (contract or purchase agreement), if available, is attached to this motion as Exhibit A [attach or state "not available"].

6. *(if seeking to sell property free and clear of liens or other interests pursuant to 11 U.S.C. §363(f))* The names of the lien or interest holders are [list].
7. Executory contracts and leases proposed to be assumed or rejected are [describe or state "none"].

8. The property was marketed for sale as follows: [describe]  
  
The other offers to purchase were as follows: [describe or state "none"]
9. The known relationships among the Prospective Purchaser and its insiders and the Debtor and its insiders or the trustee are as follows: [describe or state "none"]
10. The relationships or connections that the (trustee or the) Debtor or its insiders will have with the Prospective Purchaser after the sale are as follows: [describe or state "none"]
11. *(if a topping/ break-up fee is proposed to be paid to the Prospective Purchaser if another bidder prevails)* A topping or break-up fee is proposed. The conditions under which the fee would be payable and the factual basis on which the seller determined the provision was reasonable are [describe].
12. All entities that expressed an interest in the purchase of all or a material portion of the assets to be sold within ninety (90) days prior to the filing of the motion, the offers made by them (if any), and the nature of the offers are as follows: [describe/identify or state "none"]
13. Bid procedures proposed for the sale are [describe or state "none"]
14. *(if the property includes personally identifiable information as defined in 11 U.S.C. §101(41A))* The measures that will be taken to comply with 11 U.S.C. §363(b)(1) are [describe].
15. *(if the case is under Chapter 11 and proposes the sale of all or substantially all of Debtor's assets):*
  - A. *(if schedules have not been filed)* A summary of the Debtor's debt structure, including the amount of the Debtor's secured debt, priority claims, and unsecured debt, is [describe].
  - B. *(if a creditors' committee or its equivalent existed pre-petition)*  
The members of the pre-petition committee and the companies

with which they are affiliated, and the identity of counsel to that pre-petition committee, are [list].

### Consideration of Other Offers

The procedures which any entity interested in offering a competing bid must follow are:

[Describe bid procedures]

**NOTICE: Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to grant the motion, or if you want the court to consider your views on the motion, then the deadline for you or your attorney to file a written objection with the court explaining your position is **21 days** from the date of service. The date of service was [date].

If you were served by mail, your deadline for filing a written objection is extended three (3) additional days. Objections may be delivered by U.S. Mail, courier, overnight/express mail, or in person to the Clerk's office address shown below. If you mail your objection, you must mail it early enough so the court will receive it on or before the applicable deadline.

(select the appropriate address)

#### **Indianapolis**

116 U.S. Courthouse  
46 East Ohio Street  
Indianapolis, IN 46204

#### **Evansville and Terre Haute**

352 Federal Bldg.  
101 NW Martin Luther King Jr. Blvd.  
Evansville, IN 47708

#### **New Albany**

110 U.S. Courthouse  
121 West Spring Street  
New Albany, IN 47150

If you mail your objection to the court, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy of your objection to:

(movant's attorney's name and address)

(names and addresses of others to be served)

If you or your attorney do not take these steps, the court may decide that you do not oppose an order approving bid procedures and may enter an order granting that relief.

WHEREFORE, [trustee/debtor(s)] move(s) the Court to enter an order approving the bid procedures and granting such other relief as appropriate.

/s/ Counsel for [Trustee/Debtor(s)]  
Counsel for [Trustee/Debtor(s)]  
(required signature block)

### **CERTIFICATE OF SERVICE**

(Certificates of Service forms are available on  
the Court's website under Rules & Forms > Local Forms >  
Motions & Related Notices/Certificates of Service/Orders)

[Attach a copy of the contract/ purchase agreement]